

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

ALPHONSO V. FRAZIER II,

Plaintiff,

vs.

CITY OF OMAHA,

Defendant.

8:23CV528

MEMORANDUM AND ORDER

This matter is before the Court on Plaintiff Alphonso v. Frazier II's Motion for Leave to Proceed in Forma Pauperis ("IFP"). [Filing No. 2](#). While Plaintiff utilized the Form AO 240 Application to Proceed in District Court Without Prepaying Fees or Costs, Plaintiff failed to complete all relevant portions of the form. Specifically, Plaintiff indicated he has received income from "Social Security Disability Insurance" as well as "other sources" in the past 12 months, but Plaintiff failed to describe what his "other sources" are or the amount he received and expects to receive in the future. [Filing No. 2 at 1](#). Based on the information presented, the Court cannot determine the extent of Plaintiff's available assets, and Plaintiff's IFP motion does not comply with the terms of [28 U.S.C. § 1915](#), the statute authorizing proceedings in forma pauperis. See [28 U.S.C. § 1915\(a\)\(1\)](#) (requiring the plaintiff to submit "an affidavit that includes a statement of all assets such prisoner possesses that the person is unable to pay such fees or give security therefor"). Plaintiff has the choice of either submitting the \$402.00 filing and administrative fees to the Clerk's office or submitting a new request to proceed in forma pauperis that complies with [28 U.S.C. § 1915](#). Failure to take either action

within 30 days will result in the Court dismissing this case without further notice to Plaintiff.

IT IS THEREFORE ORDERED that:

1. Plaintiff's Motion for Leave to Proceed IFP, [Filing No. 2](#), is denied without prejudice to reassertion in in a motion to proceed in forma pauperis that complies with [28 U.S.C. § 1915](#).

2. Plaintiff is directed to submit the \$402.00 fees to the Clerk's office or submit a new request to proceed in forma pauperis within 30 days. Failure to take either action will result in dismissal of this matter without further notice.

3. The Clerk of the Court is directed to send to Plaintiff the Form AO240 ("Application to Proceed Without Prepayment of Fees and Affidavit").

4. The Clerk of the Court is directed to set a pro se case management deadline in this matter with the following text: **January 10, 2024**: Check for MIFP or payment.

Dated this 11th day of December, 2023.

BY THE COURT:

A handwritten signature in black ink, appearing to read "J F Bataillon", with a stylized flourish at the end.

Joseph F. Bataillon
Senior United States District Judge